

Senator Tracy introduced a joint resolution granting leave of absence from the State to I. N. Everett, Judge of the Twenty-sixth Judicial District." The resolution was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

The hour having arrived, the special order was taken up, viz., House bill No. 662, a bill to be entitled "An act to release certain taxes to the residents of the counties of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all other counties lying west and southwest of the same." The bill was read second time, and the amendments recommended by the committee adopted. The rules were suspended, and the bill read third time.

The hour having arrived for the consideration of bills of a private nature, on motion of Senator King, the same was postponed until the pending business was disposed of.

On motion of Senator Pickett the Senate adjourned to 10 o'clock A. M. to-morrow, by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Dohoney, Finlay, Flanagan, Henry, King, Sayers, Shelley, Swift, Word and Mr. President—13.

Nays—Senators Baker, Cole, Ford, Fountain, Franks, Hall, Latimer, Pyle, Randle, Ruby, Saylor, Tendick and Tracy—13.

SENATE CHAMBER, }
AUSTIN, TEXAS, April 26, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Dillard, the reading of the journal of yesterday was dispensed with.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 297, entitled "An act for the relief of R. C. Hunt," instruct me to report it back to the

Senate and recommend its passage, with the accompanying amendments.

JOHN L. HENRY, Chairman.

Amend section one, lines three and four, by striking out the words "one hundred and fifty dollars," and insert the following words: "one hundred and thirty-one dollars and fifty cents."

Same section, line fifteen, amend by striking out all after the word "same," down to and including the word "dollars," in line seventeen, and inserting the words, "and the said sum of one hundred and thirty-one dollars and fifty cents."

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 155, entitled "An act for the protection of the farming interest of the State," instruct me to report the same back to your honorable body with the recommendation that it do not pass.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 105, entitled "An act for the relief of certain citizens of Limestone and Walker counties," ask leave to report the same back to the Senate and recommend its passage, with the accompanying amendment.

JOHN L. HENRY, Chairman.

Amend section one, last line, by inserting after the word "taxes," the words, "except the one-fourth appropriated by the Constitution for school purposes, and the poll tax so appropriated, and the road tax."

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 318, entitled "An act to repeal section sixty of an act entitled an act concerning private corporations, approved December 2, 1871," instruct me to report the same back to your honorable body, and recommend its passage.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 306, entitled "An act to exempt certain property therein named from forced sale," having carefully examined the same, instruct me to report it back, and recommend its passage.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 27, entitled "An act in relation to fences in certain counties," instruct me to report the same back to the Senate with the recommendation that it do not pass.

JOHN L. HENRY, Chairman.

Senator Dohoney, of Judiciary Committee No. 1., submitted the following minority report:

Hon. E. B. Pickett, President of the Senate:

SIR: The undersigned, a member of your Judiciary Committee No. 1, to whom was recommitted House bill No. 27, entitled "An act in relation to fences in certain counties," having had the same under careful consideration, and the majority of said committee having seen fit to report adversely on said bill, herewith submits the following minority report, to-wit:

He recommends the passage of the bill as amended in the Senate, with the following additional amendments:

Amend section one by striking out all after the word "hogs," in lines nine, ten, eleven and twelve, and insert the words, "cattle, horses, mules, asses, sheep, goats, and all other domestic stock."

Amend further by rejecting all the House amendments, applying the act to particular counties.

E. L. DOHONEY.

Senator Finlay, chairman of Judiciary Committee No. 2, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 2, to whom was referred Senate bill No. 283, to be entitled "An act making an appropriation to pay a judgment against the State in favor of E. M. Smith," having carefully considered the same, ask leave to report it back and recommend its passage, with the accompanying amendments.

Amend preamble, line eight, by striking out the word "all," and inserting the words "twenty-seven dollars and twenty cents."

Amend section one, lines three, four and five, by striking out the words "three thousand dollars, or so much thereof as may be necessary," and inserting in lieu thereof the words "twenty-seven hundred and fifteen dollars."

GEO. P. FINLAY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 2, to whom

was referred House bill No. 319, to be entitled "An act to provide for a change of venue in civil causes," have carefully considered the same, and I am instructed to report back to the Senate the accompanying substitute, and recommend its adoption and passage.

GEO. P. FINLAY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 302, to be entitled "An act to incorporate the town of McDade, in Bastrop county," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage.

GEO. P. FINLAY, Chairman.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: I hereby beg leave to report that I did on yesterday, at 11:30 o'clock A. M., present to the Governor Senate bill No. 298, "An act to authorize the Judge of the Tenth Judicial District of the State to hold a special term of the District Court in and for the county of Anderson, in said tenth district," and Senate bill No. 163, "An act for the relief of Wm. W. Wallace," for his approval and signature.

H. R. LATIMER, Chairman.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate joint resolution No. 37, granting leave of absence from the State to I. N. Everett, Judge of the Twenty-sixth Judicial District.

HENRY C. KING, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined the following bills and find them correctly engrossed:

Senate bill No 268, "An act to authorize the County Court of Lamar county to contract for the building of a court house and jail in said county, and to issue and sell the bonds of the county for that purpose."

Senate bill No. 296, "An act prescribing the times of holding general elections in this State."

HENRY C. KING, Chairman.

Senator Cole, chairman of the Committee on Private Land Claims, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred Senate joint resolution No. 33, for the relief of the heirs of Mrs. Christiana Garling, having carefully considered the same, together with the evidence in relation to it submitted to us, consider it a just claim, and instruct me to report it back with the recommendation that it do pass.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 284, to be entitled "An act for the relief of S. W. Ludlow," having carefully considered the same, instruct me to report it back with the recommendation that it do pass.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 543, to be entitled "An act for the relief of the heirs of the Rev. Martin Ruter, deceased," having carefully considered the same, instruct me to report it back with the recommendation that it do pass.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 79, "An act for the relief of the assignee of Antonio Manchaca," having carefully considered the same, instruct me to report it back with the recommendation that it do pass.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 126, "An act for the relief of A. S. Thurmond," having no evidence before them in relation to it, instruct me to report it back for the consideration of the Senate, and ask to be relieved from its further consideration.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 270, "An act vali-

dating certain land titles in Ellis county," having no evidence before them in relation to it, instruct me to report it back for the consideration of the Senate, and ask to be relieved from its further consideration.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 344, "An act validating a certain land warrant," having no evidence before them in relation to it, instruct me to report it back for the consideration of the Senate, and ask to be relieved from its further consideration.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 286, to be entitled "An act for the relief of Benjamin C. Franklin," having considered the same, instruct me to report it back with the recommendation that it do pass.

D. W. COLE, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred the memorial of the heirs of Josiah Farris, deceased, having carefully considered the same, and the testimony relating thereto, instruct me to report back the accompanying bill, with the recommendation that it do pass.

D. W. COLE, Chairman.

Senator Avinger, chairman of the Committee on Counties and County Boundaries, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 722, "An act to create and provide for the organization of the county of Dillard," have maturely considered the same, and find that, according to the bill, which says, "Provided, said line of Dillard county shall not be so run or made to come less than twelve miles of the town of Rusk, in Cherokee county," which we find to run about seven and three-fourth miles of the town of Rusk, should the line be run, beginning two and one-half miles south of Jacksonville, as proposed by the act. Believing that the line should not be run nearer than twelve miles of the town

of Rusk, and as the people are not desirous of having the new county created unless the line should be run two and one-half miles south of Jacksonville, and that they may have further time to settle the difference hereafter among themselves, I am instructed to report it back, and recommend that it do not pass.

H. J. AVINGER, Chairman.

A message was received from the House informing the Senate that the House had passed the following bills:

Senate bill No. 167, "An act to incorporate the Jefferson Institute, located in the city of Jefferson, in the county of Marion, in the State of Texas."

House bill No. 680, "An act to protect laborers on railroad, canal and telegraph lines."

Also, informing the Senate that the House had considered a message from the Senate notifying it of the action of the Senate on House amendments to Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," and had appointed Messrs. Kemble, Killough, Chambers, Rainey and Roberts a conference committee on the part of the House to meet a like committee on the part of the Senate on the disagreement.

Senator Sayers offered the following concurrent resolution:

WHEREAS, We deem a uniform series of books for the use of the schools of the State as a matter of paramount importance in our educational system, at the same time the most economical; and

Whereas, We recognize the propriety of introducing no school books containing sectional teachings such as can offend the taste and prejudice of any class or party; and

Whereas, We desire to see the education of the youth of the State conducted on a broad and national, not local or sectional, basis; and

Whereas, The University Series of school books aim to accomplish all these desirable objects, and at the same time are first class and conformed in their method to the true principles which underlie all successful intellectual training; therefore, be it

Resolved, That we recommend the University Series for the use of the schools of the State.

Senator Ruby moved a call of the Senate. Call sustained.

Absent—Senators Flanagan, Pyle, Tracy, Tendick and Randle.

The hour having arrived for the consideration of the special order, viz., "An act to reorganize certain judicial districts, and to abolish certain judicial districts therein named," on motion of Senator Franks, the same was postponed to 10:30 o'clock A. M. next Monday.

Senator Broughton moved that the call of the Senate be suspended. Carried.

Concurrent resolution again taken up.

Senator Ruby moved a call of the Senate. Call sustained.

Absent—Senators Flanagan, Pyle, Randle, Tracy and Tendick.

Senator Ball introduced a bill to be entitled "An act to incorporate the Weatherford Hook and Ladder Company No. 1." Read first time, and referred to the Committee on State Affairs.

Senator Dohoney introduced a bill entitled "An act to confer additional jurisdiction on the presiding justices of Lamar and Fannin counties." Read first time and referred to Judiciary Committee No. 1.

Senator Latimer, chairman of Committee on Enrolled Bills, reported as follows:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills would respectfully report that they have carefully examined and compared the following bills:

Senate bill No. 208, "An act to appoint an agent to take charge of property bequeathed to the State of Texas for certain purposes, by Oscar L. Holmes, and to carry into effect said bequest."

Senate bill No. 140, "An act making an appropriation to pay the contingent expenses of the Thirteenth Legislature of the State of Texas."

Senate bill No. 144, "An act to incorporate the Real Estate, Building and Savings Association, of Dallas, Texas."

And find the same correctly enrolled.

H. R. LATIMER, Chairman.

Senator Sayers introduced a bill to be entitled "An act to incorporate the Bastrop Turn Verein." Read first time and referred to Committee on Judiciary No. 2.

On motion of Senator Saylor, the rules were suspen-

ded to take up out of its order House bill No. 402, "An act to incorporate the Milam Real Estate and Immigration Association." The bill was read second time.

Senator Swift moved that the call of the Senate be suspended. Carried.

On motion of Senator Sayers, the main question was ordered.

The question being the adoption of the concurrent resolution offered by Senator Sayers, the same was put and resolution adopted by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Finlay, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—14.

Nays—Senators Baker, Ford, Fountain, Franks, Gaines, Hall and Ruby—6.

On motion of Senator Dohoney, House concurrent resolution inviting Governor Osborn of Kansas, and State officers and ladies accompanying him, now in Texas, to visit the capital, was taken up and adopted.

House bill No. 402, "An act to incorporate the Milam Real Estate and Immigration Association," was again taken up.

On motion of Senator Saylor the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Finlay, Fountain, Franks, Gaines, Latimer, Randle, Ruby, Saylor, Sayers, Shelley, Swift and Mr. President—19.

Nay—Senator Word—1.

Senator Ruby moved a reconsideration of the vote taken on the adoption of the House concurrent resolution, inviting Governor Osborn of Kansas, and State officers and ladies accompanying him, now in Texas, to visit the capital. Carried.

Senator Ruby then offered the following amendment, viz.: Insert after the words "Governor Osborn of Kansas," the words "members of the State Legislature." Carried.

On motion of Senator Ruby, the resolution as amended was then adopted.

A message was received from the House informing the Senate that the House had passed House bill No. 723, "An act to incorporate the city of Corpus Christi."

Unfinished business was then taken up, viz., House

bill No. 662, "An act to release certain taxes to the residents of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same."

The question being the final passage of the bill, the same was put, and the bill passed by the following two-thirds vote:

Yeas—Senators Baker, Ball, Broughton, Cole, Dohoney, Ford, Finlay, Fountain, Gaines, Hall, King, Latimer, Ruby, Saylor, Sayers, Shelley and Mr. President—17.

Nays—Senators Avinger, Dillard, Franks, Henry, Swift and Word—6.

On motion of Senator Dohoney, the rules were suspended, and Senate bill No. 231, "An act to provide for the sale of lands belonging to the common school fund, and the lands set apart to the several State asylums," was taken up and made special order for Tuesday next at 11 o'clock A. M., and from day to day until disposed of.

On motion of Senator Ruby, Senate joint resolution No. 32, instructing our Senators and requesting our Representatives in Congress to endeavor to secure the improvement of the harbor of Galveston, and requesting for the memorial of the mayor and board of aldermen of the city of Galveston upon that subject the early and favorable consideration of the Congress of the United States, was taken up, and the report of the committee, recommending that the amendments be withdrawn, adopted, and the resolution ordered engrossed.

The rules were further suspended, the resolution read third time and passed.

On motion of Senator Finlay, the rules were suspended to take up House bill No. 262, "An act to amend the seventh section of an act entitled an act to incorporate the city of Rockport, approved May 26, 1871."

The bill was read second time and passed to third reading; the rules were further suspended, the bill read third time and passed.

On motion of Senator Shelley, the rules were suspended to take up House bill No. 347, "An act to incorporate Leon River Bridge Company."

The bill was read second time and passed to third reading; rules further suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, Latimer, Randle, Ruby, Saylor, Sayers, Shelley, Swift, and Word—21.

On motion of Senator Broughton, the rules were suspended to take up House bill No. 379, "An act to authorize James P. Dumas, and such other persons as he may associate with him, and their successors, to construct, own and keep a toll bridge on, over and across Choctaw Bayou, in Grayson county, Texas."

The bill was read second time and passed to third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Ford, Finlay, Franks, Gaines, Hall, Henry, Latimer, Ruby, Saylor, Sayers, Shelley, Swift and Word—20.

On motion of Senator Word, Senate bill No. 44, "An act to incorporate a company to be styled the Palestine Fire Company," was taken up and the House amendments to the bill concurred in by the Senate.

On motion of Senator Franks, Senate bill No. 306, "An act to incorporate the town of Wharton, in the county of Wharton," was taken up, the bill read second time and ordered engrossed; rules further suspended, read third time and passed.

On motion of Senator Sayers the rules were suspended to take up Senate bill No. 274, "An act to validate and supplement the charter of the Bastrop Coal Company of Texas." The bill was read second time, the amendments recommended by the committee adopted, and the bill ordered engrossed; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Ford, Fountain, Franks, Gaines, Hall, Henry, Latimer, Ruby, Saylor, Sayers, Shelley, Swift and Word—20.

On motion of Senator Baker the rules were suspended to take up Senate bill No. 271, "An act for the relief of C. C. De Witt and other persons therein named. The bill was read second time, the amendments recommended by the Committee adopted, and the bill ordered engrossed; rules further suspended, the bill read third time and passed by the following two thirds vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Gaines, Hall, Latimer, Ruby, Sayers, Saylor, Shelley, Swift and Word—20.

On motion of Senator Gaines, the rule was suspended, Senate bill No. 248, "An act to authorize the Commissioner of the General Land Office to issue to Willet Holmes a headright certificate for one league and labor of land," was taken up, read second time and ordered engrossed; rule suspended, read third time and passed by a two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Fountain, Gaines, Hall, King, Latimer, Ruby, Saylor, Sayers, Shelley and Swift—18.

Nays—Senators Broughton and Word—2.

On motion of Senator Henry, the rule was suspended, and House bill No. 254, "An act to authorize the County Court of Upshur County to issue interest-bearing bonds to finish paying for the building a court house in said county, and to levy and collect a special tax to pay the same," was taken up, read second time and passed to third reading; rule suspended, read third time and passed.

On motion of Senator Swift, the rule was suspended and Senate bill No. 207, "An act to incorporate the Agricultural and Mechanical Association of Shelby county," was taken up, read second time and ordered engrossed; rule suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Ball, Baker, Broughton, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Ruby, Saylor, Shelley, Swift, Tendick and Word—21.

On motion of Senator Hall, the rule was suspended, and House bill No. 305, "An act requiring the Commissioner of the General Land Office to issue certificates therein named," was taken up, read second time and passed to third reading; rule further suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Ford, Finlay, Fountain, Hall, Henry, King, Latimer, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Word—20.

Senator Dohoney in the chair.

On motion of Senator Latimer, the rule was suspended to take up House bill No. 448, "An act to incorporate the Austin Trust Company." The bill was read second time and passed to third reading; rules further suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Ford, Finlay, Fountain, Franks, Hall, Henry, King, Latimer, Randle, Ruby, Sayers, Saylor, Shelley, Swift, Tendick and Word—21.

On motion of Senator Ball, the rules were suspended to take up House bill No. 133, "An act to accurately define the land district of Palo Pinto, and to make valid the surveys and locations heretofore made therein." The bill was read second time.

Senator Ball offered the following amendments: At the end of first section add, "*provided*, that all legal files and locations heretofore made in the proper land districts shall not be affected by the passage of this law." Amend first section in third line by striking out the word "and," between "Eastland" and "Callahan," and insert after the word "Callahan," "Throckmorton, Haskell, and the territory of said counties." Adopted.

The bill as amended was then read third time and passed.

On motion of Senator Cole, the rules were suspended to take up Senate bill No. 255, "An act to incorporate the Paris Street Railway Company." The bill was then ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Ford, Finlay, Fountain, Franks, Hall, Henry, King, Latimer, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Word—21.

On motion of Senator Avinger, the rules were suspended to take up House bill No. 420, "An act for the relief of the heirs of Wm. Garnett, deceased."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Hall, Henry, King, Latimer, Randle, Ruby, Sayers, Shelley, Swift, Tendick and Word—22.

On motion of Senator Tendick, the rules were suspended to take up Senate bill No. 184, "An act to incorporate the Germania of Columbus."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Fountain, Franks, Hall, King, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Word—20.

On motion of Senator Fountain, the rules were suspended, and House bill No. 723, "An act to reincorporate the city of Corpus Christi," was taken up, read first time; rules suspended, read second time and passed to a third reading; rules further suspended, read third time and passed.

On motion of Senator Sayers, the rules were suspended, and Senate bill No. 302, "An act to incorporate the town of McDade," was taken up, read second time and ordered engrossed; rules suspended, read third time and passed.

The hour having arrived for the consideration of bills of a private nature, Senator ——— moved that the special order be postponed.

Senator Franks moved to adjourn until 10 o'clock Monday morning. Lost by the following vote:

Yeas—Senators Avinger, Baker, Dohoney, Franks and Tendick—5.

Nays—Senators Ball, Cole, Dillard, Ford, Finlay, Fountain, Henry, King, Ruby, Saylor, Sayers, Shelley and Word—13.

On motion of Senator Fountain, a call of the Senate was ordered.

Absent—Senators Broughton, Flanagan, Franks, Gaines, Hall, Latimer, Pyle, Randle, Swift and Tracy.

On motion of Senator Fountain, the sergeant-at-arms was dispatched for absent Senators, with instructions to bring them before the bar of the Senate, to show cause why they were absent without leave.

Senator Swift appeared within the bar of the Senate, and submitted his cause of absence, which was accepted by the Senate.

On motion of Senator Dohoney, the Senate adjourned to 9 o'clock A. M. Monday, by the following vote:

Yeas—Senators Avinger, Baker, Cole, Dillard, Doho-

ney, Hall, Henry, King, Sayers, Tendick, Word and Mr. President—12.

Nays—Senators Ball, Ford, Finlay, Fountain, Ruby, Shelley and Swift—7.

SENATE CHAMBER,
AUSTIN, TEXAS, April 28, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Gaines, the reading of the journal of Saturday was dispensed with.

Senator Avinger, chairman of the Committee on Counties and County Boundaries, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 411, a bill to be entitled "An act to create the county of Waller," have maturely considered the same, and instruct me to report it back and recommend that it do pass.

H. J. AVINGER, Chairman.

Senator Latimer presented a petition for the relief of A. Dickson and other heirs of James W. Dickson. Read and referred to the Committee on Private Land Claims.

Senate bill No. 167, "An act to incorporate the Jefferson Institute, located in the city of Jefferson, in the county of Marion, in the State of Texas," together with an amendment to the bill by the House, were taken up, and the amendment concurred in by the Senate.

House bill No. 125, "An act to prescribe the mode and manner of designating exempted homesteads in certain counties," was read second time, and on motion of Senator Shelley, was made special order for Wednesday next at 10:30 o'clock A. M., and one hundred copies ordered printed.

Senate joint resolution No. 34, "Providing for a vote of the people of the State calling a convention to frame a new Constitution for the State, and providing for the election of delegates thereto, and the time for the convening thereof," was read second time, and on motion of Senator Dohoney, made special order for to-morrow at 10:30 o'clock A. M.